

CHAPTER 9-000

9-001 INTERSTATE COMPACT ON PLACEMENT OF CHILDREN (ICPC)

Nebraska is among those states that have enacted law called the Interstate Compact on Placement of Children. The law provides for child placement activities to be uniformly conducted among states. Following the Interstate Compact law helps assure uniform services to children placed across state lines. The Department has established procedures that insure compliance with the Interstate Compact. (See ICPC Guidebook for procedures).

Statutory Reference: Neb. Rev. Stat. 43-1101.

9-001A PLACEMENTS COVERED BY INTERSTATE COMPACT

Interstate Compact procedures will be followed whenever a request to place a child into Nebraska is received or whenever the Department is seeking to place a child into another state into any of the following:

- Adoptive home,
- Foster home,
- Group home,
- Relative home,
- Parent home when the child is under the jurisdiction of a court,
- Child-caring institution, or
- Residential treatment center.

No child will be placed from Nebraska into another state or from another state into Nebraska until:

- A home study or adoptive study is completed, and
- Approval to place is granted from the Interstate Compact Administrators in each state.

Placements of children who aren't wards of the Department are also covered by the Interstate Compact law. An example of non-ward placement covered by the Compact is a private adoptive placement.

9-001B EXCEPTIONS TO INTERSTATE COMPACT

The Interstate Compact doesn't apply to the placement of children into another state to reside in any of the following:

- Inpatient hospitals or other medical facilities for acute medical or psychiatric care;
- Boarding schools; or
- Home of a relative when placed by a parent or legal guardian and the child is not under the jurisdiction of a court.

9-001C RETURN OF A CHILD TO SENDING STATE

A ward will be returned to Nebraska at the request of the state in which the child is placed. Conditions that may cause such a request under the Interstate Compact law are:

- Placement disruption;
- Placement made prior to approval of the receiving state;
- Loss of license by a child care facility; or
- Completion of treatment plan in a residential treatment facility.

Nebraska may request that a child be returned to the sending state under the conditions listed above.

9-001D COORDINATION OF INTERSTATE COMPACT

To assist with the consistent application of the Interstate Compact law and services to children, all requests for placement of children from Nebraska into another state, or from another state into Nebraska, will be coordinated through the Interstate Compact Administrator. The Interstate Compact Administrator will:

- Consult, support and assist staff;
- Negotiate reasonable response times to requests,
- Communicate with other state Compact Administrators to achieve placement outcomes identified by staff; and
- Maintain and process necessary documentation on all Interstate Compact cases.

All requests and action on Interstate Compact cases will be documented in writing.

9-001E SERVICES TO CHILDREN UNDER INTERSTATE COMPACT

Effort will be made to complete home studies or adoptive studies, or to respond to special requests, within six weeks of the assignment of the request. If staff are unable to meet the time frame, staff will contact their Compact Administrator with the reasons for the delay and arrive at a reasonable completion date. The Nebraska Compact Administrator will then contact the sending state to renegotiate a completion date based upon the staff input.

Some situations may be designated for priority processing. These include situations where the child is under two years of age, is in emergency shelter, or has spent substantial time in the home of the proposed placement AND the proposed placement is a parent, stepparent, grandparent, adult sibling, aunt, uncle, or the child's legal guardian. In cases designated as priority, Nebraska staff will, to the greatest extent possible, complete the home study and approved or disapprove the placement no later than 20 business days after receiving the request. Overnight mail will be used at each step of the process.

Following placement of a child into Nebraska, staff will:

- Visit the child and family appropriately based upon the home study and history of the child,
- Assist the family in coordinating services approved and authorized by the sending state,
- Open Nebraska Medicaid for IV-E eligible children,
- Document progress of the child and family and any other information requested by the sending state, and
- Report on services provided and child and family progress to the sending state at the agreed-upon intervals.

9-002 INTERSTATE COMPACT ON JUVENILES

Nebraska is among the states that have enacted law called the Interstate Compact for Juveniles (ICJ). The Interstate Compact for Juveniles provides a legal method whereby juveniles may move to an environment outside the state in which they were sentenced without losing the advantage of supervision or escaping from the jurisdiction of the state in which they were sentenced. The Department has established procedures that insure compliance with the Interstate Compact on Juveniles. See Interstate Compact Guidebook for procedures.

9-002A PROVISIONS OF THE LAW

The law provides the following:

- * Cooperative supervision of delinquent juveniles on probation or parole.
- * The return, from one state to another, of delinquent juveniles who have escaped or absconded,
- * The return, from one state to another, of non-delinquent juveniles who have run away from home; and
- * Additional measures for the protection of juveniles and the public as agreed to between two states.

The law applies to delinquent juveniles who have been adjudged to be within the provisions of subdivision (1), (2), or (4) of Section 43-247 of Nebraska Revised Statutes and who at the time the compact is invoked, is still subject to the jurisdiction or supervision of an agency or institution pursuant to an order of a court of competent jurisdiction.

Statutory Reference: Neb. Rev. Stat. 43-1002.

9-002B State Responsibilities

Nebraska and other states in the Compact will accept supervision of a juvenile if s/he has the proper residence, school and employment qualifications.

The supervising state (receiving state) must use the same standards of supervision for juveniles sent from other states as it does for juveniles in its own custody or supervision.

The sentencing state (sending state) may retake a person being supervised under the Compact at any time. The sending state's representative needs to present proper identification and a copy of the committal court paper proving the state the state s/he re[resents has jurisdiction. No juvenile can be returned to any state, however, without first assuring that rights have been afforded him/her through *Morrissey v. Brewer* (408 US 471 [1972]) and other Supreme Court decisions.

9-002C Investigation of Juvenile Requesting Placement

Nebraska will complete investigations of a program in Nebraska in a timely manner. The Compact Administrator will receive applications from the requesting state and send it to the supervisor for assignment.

9-002D Transfer to Another State

If a juvenile on parole, desires to transfer to another state, the following procedures must be followed:

- * The juvenile must indicate his/her desire to transfer by completing and signing a memorandum of understanding and waiver.
- * The ICJ Administrator will request an investigation and courtesy supervision from the receiving state.
- * When acceptance has been acknowledged by the receiving state, the juvenile will be authorized to be sent to the receiving state.
- * The receiving state will be requested to provide courtesy supervision for the juvenile.

See Interstate Compact Guidebook for process and forms.

9-002E RETURN TO SENDING STATE

The committing state (sending state) may retake a juvenile parolee being supervised under the compact in another state at any time, without formalities. No juvenile parolee can be returned to any state, however without first assuring that the juveniles rights and Supreme Court decisions regarding due process have been afforded the juvenile.